

**IN THE CIRCUIT COURT OF WOOD COUNTY, WEST VIRGINIA  
BUSINESS COURT DIVISION**

HIGHMARK WEST VIRGINIA INC.,

Plaintiff

v.

CIVIL ACTION NO. 18-C-271

Presiding Judge: Shawn D. Nines

Resolution Judge: Christopher Wilkes

MEDTEST LABORATORIES, LLC,  
BRICE TAYLOR, BILLY TAYLOR, MUHAMMAD  
AMJAD, PH. D., MICHAEL CHEN, PH. D.,  
JAMES TAYLOR, CENEGEN, LLC, and  
VITAS LABORATORY LLC,

Defendants.

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MEDTEST LABORATORIES, LLC,

Counterclaim and Third-Party Plaintiff,


v.

HIGHMARK WEST VIRGINIA INC., et al.,

Counterclaim and Third-Party Defendants.

**ORDER DENYING DEFENDANT MICHAEL  
CHEN, PH. D.'S MOTION FOR SUMMARY JUDGMENT**

Defendant Michael Chen, Ph. D.'s Motion for Summary Judgment was heard by this Court during its Pre-Trial Conference of April 29, 2022. Scott H. Kaminski, Esq. of Ray, Winton & Kelley PLLC advanced the Motion as attorney of record for defendant Chen. Stuart A. McMillan and Peter G. Markham of Bowles Rice LLP opposed the Motion as attorneys of record for plaintiff Highmark West Virginia Inc. ("Highmark WV").

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D.B. No. \_\_\_\_\_  
Page \_\_\_\_\_

5/13/22 CCX 9 to Bowles Rice; Billy Taylor  
Med Test, Vitas; James Taylor; Brice Taylor;  
Cenegen; S.H. Kaminski; Muhammad

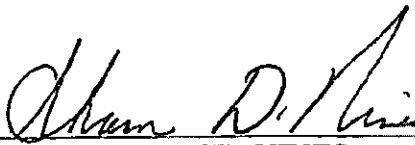
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CELESTE RIDGWAY  
CLERK CIRCUIT COURT

Having considered the arguments of counsel, the pertinent authorities, the memoranda of law filed by the parties, and the relevant evidence of record—including the deposition testimony of defendant Chen—this Court **FINDS** and **CONCLUDES** that there are genuine issues of material fact to be determined by the jury regarding defendant Chen's liability on plaintiff Highmark WV's claims of fraud, civil conspiracy, and negligence. Accordingly, this Court **DENIES** defendant Chen's Motion for Summary Judgment.

The Court notes the exceptions and objections of all parties to any adverse rulings. This Court **DIRECTS** the Clerk to enter this Order and forward attested copies to the Business Court Central Office at Business Court Division, 380 West South Street, Suite 2100, Martinsburg, West Virginia 25401, *as well as to the parties and counsel listed below.*

**IT IS SO ORDERED.**

**ENTERED** this 11<sup>th</sup> day of May, 2022.

  
**JUDGE SHAWN D. NINES**  
**JUDGE OF THE WEST VIRGINIA**  
**BUSINESS COURT DIVISION**

**Forward attested copies to:**

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